

# PART 5 – OVERLAY ~~ZONE~~ ZONING DISTRICTS

*Chapter 1 – Rio Salado Overlay District*

*Chapter 2 – Southwest Tempe Overlay District*

*Chapter 3 –Light Industrial Overlay District*

*Chapter 4 –Planned Area Development Overlay District*

## CHAPTER 1 – RIO SALADO OVERLAY DISTRICT

**Section 5-101 Purpose.**

**Section 5-102 Boundaries.**

**Section 5-10~~3~~<sup>2</sup> General Regulations.**

**Section 5-10~~4~~<sup>3</sup> Additional Information and Regulations.**

**~~Section 5-104 Boundaries.~~**

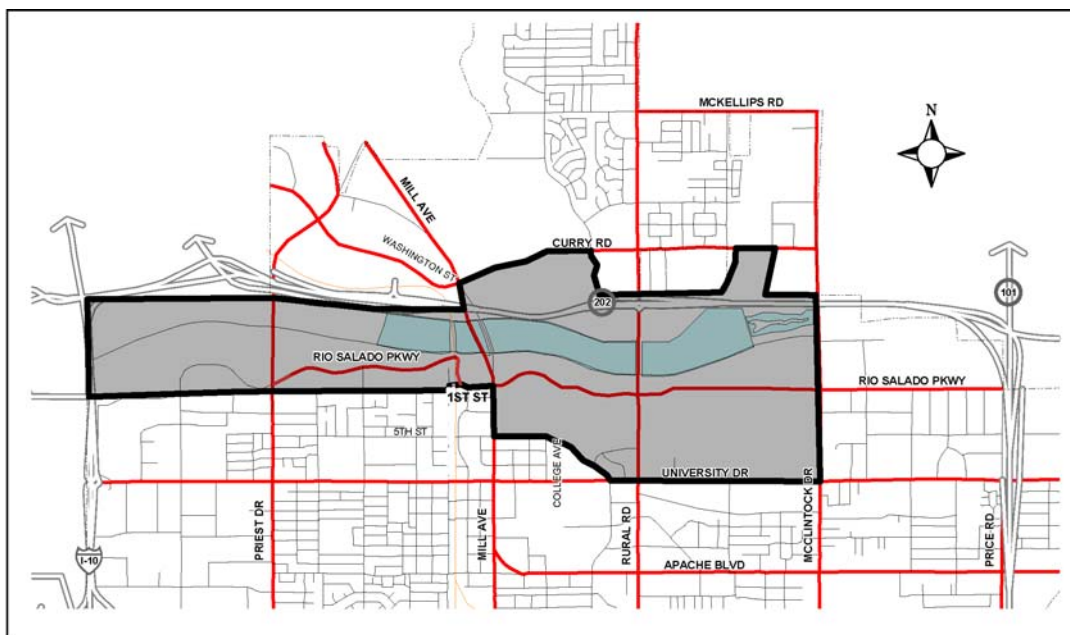
**Section 5-101 Purpose.**

The purpose of the Rio Salado Overlay District is to accomplish the objectives of the specific plan referred to as the "Tempe Rio Salado Plan" as adopted by the City Council. This district is necessary to provide an opportunity for a smooth transition to adjacent land uses.

## **Section 5-102      Boundaries.**

The location and boundaries of the Rio Salado Overlay District are established as shown on the map entitled "Zoning Map, City of Tempe", dated September 2, 1976, as amended.

**Figure 5-1024. Rio Salado Overlay District Boundary-Map**



## Section 5-10<sup>32</sup> General Regulations.

- A. Rio Salado Advisory Commission.** Except where superceded by the Redevelopment Review Commission (RRC), the Rio Salado Advisory Commission shall be notified of all requests for zoning changes, use changes, *variances*, proposals for construction or major *alteration of buildings* or site work. The Rio Salado Advisory Commission shall be given the opportunity to comment and make recommendations prior to formal city action, and shall respond within ten (10) working days of receipt of a request by the city. If the Rio Salado Advisory Commission does not respond within the prescribed time period, the lack of a response shall not be considered as supporting or opposing the project, but only as declining the opportunity to comment. The Rio Salado Advisory Commission may delegate to its standing committee, the project review committee, all or part of these responsibilities for comment or recommendation.
- B. Review Procedure and Criteria.** Except as modified by the Redevelopment Review Commission (RRC) procedures in Section 1-306, proposals will be evaluated by the Tempe Rio Salado Advisory Commission, Board of Adjustment, Planning and Zoning Commission, Design Review Board or City Council in accordance with the overall intent of the following Tempe Rio Salado Plan objectives:
1. Encourage the optimum *development* of land along the Salt River including: residential, commercial or industrial, open space, transportation and circulation, public facilities and *services* and adjoining land uses;
  2. Promote the *development* of recreational facilities; and
  3. Combine flood control with environmental design including the integration of lakes, ponds and streams.

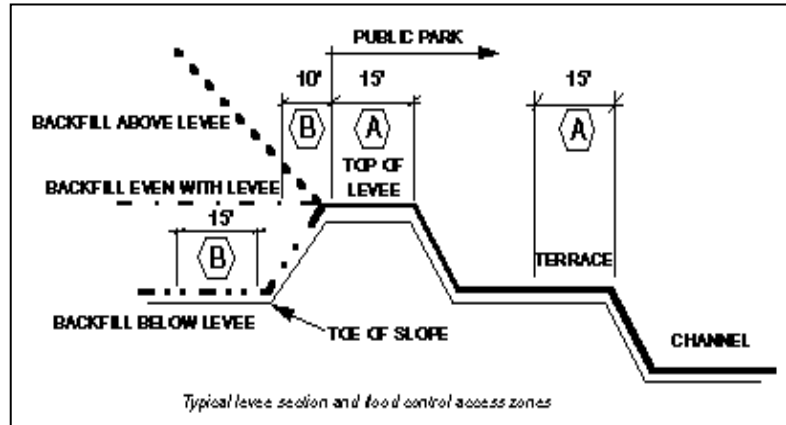
## Section 5-10<sup>43</sup> Additional Information and Regulations.

The following additional requirements apply:

- A. Flood Control.** Flood control access zones in the district are:
1. Zone "A": No objects or *structures* of any kind that would impede the motion of a maintenance vehicle are permitted in the fifteen (15) feet closest to the channel on either the levee or terrace as shown in Figure 5-103A;
  2. Zone "B": Only landscaping and removable benches, ramadas or similar equipment that are approved by both the Flood Control District of Maricopa County and the city are permitted either in the ten (10) feet adjacent to the levee when the backfill is even with the top of the levee or the fifteen (15) feet adjacent to the base of the levee when the backfill is below the top of the levee as shown above. Replacement of any structural or *landscape* features within Zone "B" that are damaged as a result of emergency *maintenance* activities by the Flood Control District of Maricopa County shall be the sole responsibility of the owner or lessee of the site on which the features are located; and

3. When the backfill is above the top of levee, Zone "A" restrictions apply, but there are no Zone "B" restrictions on objects or *structures* with regard to maintenance vehicle access.

**Figure 5-10~~43~~A. Flood Control**



**City code reference**—See TCC sections on bikeways; TCC §11-1 et seq., design review; TCC §12-16 et seq., flood control; TCC §12-56 et seq., storm water retention.

### **~~Section 5-104~~ — Boundaries.**

~~The location and boundaries of the Rio Salado Overlay District are established as shown on the map entitled "Zoning Map, City of Tempe", dated September 2, 1976, as amended.~~



CHAPTER 2 – SOUTHWEST TEMPE OVERLAY DISTRICT

Section 5-201 Purpose.

~~Section 5-202 Boundaries.~~

Section 5-20~~3~~<sup>2</sup> General Regulations.

Section 5-20~~4~~<sup>3</sup> Prohibited Uses.

Section 5-20~~5~~<sup>4</sup> Special Regulations, Building Design.

Section 5-20~~6~~<sup>5</sup> Yard, Height, Area and Density Requirements.

~~Section 5-206 Boundaries.~~

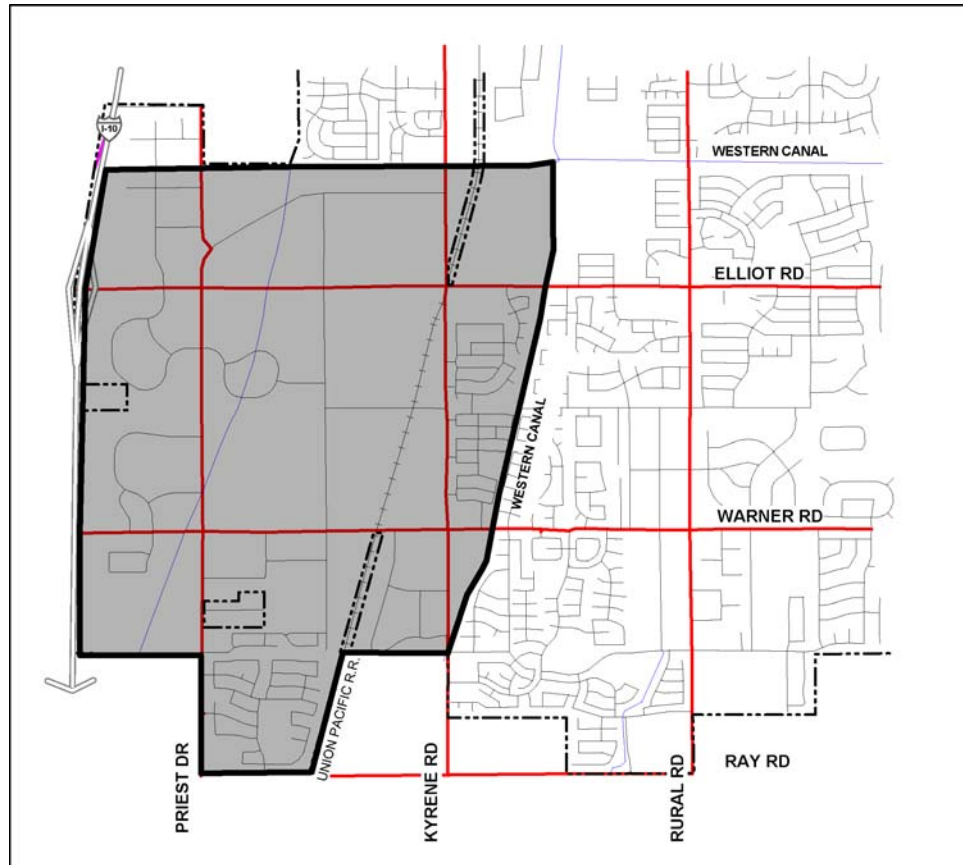
Section 5-201 Purpose.

The purpose of the Southwest Tempe Overlay District is to accomplish the objectives of the General Plan. This district is necessary to provide an opportunity for intense *development* with high standards.

## **Section 5-202      Boundaries.**

The location and boundaries of the Southwest Tempe Overlay District are established as shown on the map entitled "Zoning Map, City of Tempe", dated \_\_\_\_\_, as amended.

**Figure 5-202~~4~~. Southwest Tempe Overlay District Boundary Map**



## **Section 5-203~~2~~      General Regulations.**

- A. Land Use.** All uses shall comply with the minimum regulations of the underlying zoning. All uses permitted in the underlying district, including uses permitted subject to *use permits*, are similarly permitted in the Southwest Tempe Overlay District, except as provided herein. Where the regulations for the *overlay district* differ from those of the underlying zoning the more restrictive regulations shall apply. In the granting of use permits the decision-making body must find that the proposed use is compatible with the overall intent of the Tempe General Plan.
- B. Review Procedure and Criteria.** *Development* proposals shall be evaluated by the decision-making body in accordance with the overall intent of the following Southwest Tempe Overlay District objectives with emphasis on but not limited to:

1. Encouraging the optimum *development* of land along the I-10 freeway and in the southwest portion of the city, thus promoting the *development* of a regional shopping center, major auto mall and other major *retail* uses. Such activities should be located in a master planned *development* adjacent to the I-10 freeway;
2. Vehicular access to any individual automotive dealership should be from non-arterial *streets*;
3. The overall site design of any individual automotive dealership, its *buildings*, *parking* areas, access points and signage should not adversely affect the present or potential *development* of nearby sites (either residential or commercial) or the traffic pattern on nearby *streets*;
4. Sites for individual dealerships should be of sufficient size to provide for adequate visitor and employee *parking*, external display of vehicles for sale and appropriate buffering of repair operations;
5. Spot or strip zoning patterns or uses should be discouraged;
6. Used vehicles should be sold only in conjunction with new car sales; and
7. Stabilizing the economic base of the city.

#### **Section 5-20~~4~~3 Prohibited Uses.**

**A. Prohibited Uses.** The following are prohibited uses:

1. Abattoirs, stockyards and rendering plants;
2. *Junkyards*, wrecking *yards* and salvage *yards*; and
3. Sand and gravel excavating operations.

#### **Section 5-20~~5~~4 Special Regulations, Building Design.**

**A. Architect's Design.** All main *buildings* or primary *structures* shall be designed by an architect registered in the State of Arizona.

**B. Plan Submittal.** The applicant shall provide the city with sufficient architectural, landscaping and site details at the time of original submittal for the city to judge the quality of the project.

#### **Section 5-20~~6~~5 Yard, Height, Area and Density Requirements.**

All *development* must conform to the requirements of the underlying zoning districts, except a twenty-five (25) foot increase in the maximum allowable *building height* shall apply in all zoning districts west of Kyrene Road, except single-family residential and agricultural districts.



**~~Section 5-206 — Boundaries.~~**

~~The location and boundaries of the Southwest Tempe Overlay District are established as shown on the map entitled "Zoning Map, City of Tempe", dated \_\_\_\_\_, as amended.~~

## CHAPTER 3 – LIGHT INDUSTRIAL OVERLAY DISTRICT

**Section 5-301 Purpose.**

**Section 5-302 Boundaries.**

**Section 5-30~~3~~<sup>2</sup> General Regulations.**

**Section 5-30~~4~~<sup>3</sup> Uses Requiring a Use Permit.**

**~~Section 5-304 Boundaries.~~**

**Section 5-301 Purpose.**

- A. Purpose.** The purpose of Light Industrial Overlay District (LIOD) is to provide a smooth transition from the LIOD to adjacent single-family residential districts. Projects in the LIOD zoning districts will be reviewed to assure the public that an appropriate transition is established while use of the property as permitted by the Code is still allowed.
- B. Applicability.** The standards of the LIOD shall apply whenever a light industrial zoning district is adjacent to a single-family residential district, or is separated from a single-family district only by an *alley*, tract, canal or easement (excluding AG, Agricultural and R1-PAD).

**Section 5-302 Boundaries.**

The boundaries of the Light Industrial Overlay District are defined as all lots adjacent to a single-family residential district, or separated from a single-family district by an *alley*, tract, easement, or canal (excluding AG, Agricultural and R1-PAD).

**Section 5-302 General Regulations.**

- A. Land Use.** All uses shall comply with the regulations of the underlying zoning. Where the regulations for this district differ from those of the underlying zoning the more restrictive provisions shall apply.

- B. Development Plan.** Prior to *development*, or expansion of more than twenty-five (25) percent of a *building* or a use existing on the effective date of this section, a *development plan* shall be submitted for all LIOD properties for a public hearing with the City Council or Redevelopment Review Commission as applicable. Such *development plan* shall show all *parking* areas, loading and refuse areas, drives, access ways, location and dimensions of *buildings* and *structures*, all elevations of such *buildings* and *landscape*. This hearing shall conform to the provisions of Part 6 of this Code. *Variances* and use permits may be applied for in conjunction with the plans. *Development plans* will be evaluated by the applicable hearing body in accordance with the intent of ensuring that an appropriate transition between the LIOD zoning district and the adjacent residential uses is provided, while allowing the use of the property as permitted by the zoning district.

### **Section 5-303 Uses Requiring a Use Permit.**

- A. Uses Requiring a Use Permit.** All uses shall be subject to the regulations of the underlying district and in addition the following uses shall be subject to a use permit:
1. Any use that includes the use of trucks in excess of five (5) ton capacity before 6:00 a.m. or after 10:00 p.m.;
  2. Any use that requires a type H occupancy based upon the Uniform Building Code (storage of hazardous materials);
  3. Body shops and *private garages* (repair facilities); and
  4. Any use not appearing in this Code which is similar to these uses, as determined by the Zoning Administrator, may be permitted upon securing a use permit.

### ~~**Section 5-304 Boundaries.**~~

~~The boundaries of the Light Industrial Overlay District are defined as all lots adjacent to a single-family residential district, or separated from a single-family district by an alley, tract, easement, or canal (excluding AG, Agricultural and R1-PAD).~~

## **CHAPTER 4 – PLANNED AREA DEVELOPMENT OVERLAY DISTRICT**

### **Section 5-401 Purpose.**

### **Section 5-402 Applicability.**

### **Section 5-403 General Regulations.**

### **Section 5-401 Purpose.**

**Purpose.** The purpose of *Planned Area Development Overlay Districts* is to accommodate, encourage and promote innovatively designed *developments* involving residential and/or non-residential land uses, which form an attractive and harmonious unit of the community. Such a planned *development* may be designed as a large-scale separate entity, able to function as an individual community, neighborhood, or *mixed-use development*; as a small-scale project which requires flexibility because of unique circumstances or design characteristics; or as a transitional area between dissimilar land uses.

This zoning designation recognizes that adherence to a traditional pattern of *development standards*, (i.e. height, *setback*, *lot coverage*) space, bulk and use specifications contained elsewhere in this Code would preclude the application of the more flexible PAD concept. Therefore, where PAD zoning is deemed appropriate or necessary, traditional zoning regulations are replaced by performance considerations to fulfill the objectives of the General Plan. The PAD *overlay district* may be tailored to meet the specific *development* representations of an application. Hence one PAD overlay may vary considerably from another overlay.

### **Section 5-402 Applicability.**

The *Planned Area Development Overlay District* may be applied to any zoning district in the City of Tempe. A PAD Overlay District may not be used for an individual single *family dwelling*.

### **Section 5-403 General Regulations.**

- A. Land Use.** All uses shall comply with underlying zoning district.
- B. Density.** The PAD Overlay District shall not modify densities allowed by the underlying zoning district.
- C. Development Standards.** The PAD Overlay District may establish alternate *development standards* (except *density*) for those standards found Tables 4-202A, 4-202B, 4-202C, 4-203A, 4-203B, 4-204 and Section 4-205. Standards developed through the PAD Overlay District process shall be appropriate to the location and context for the site for which the project is proposed. Standards created through the PAD Overlay should also assist in the fulfillment of the goals, objectives and policies in the General Plan.

**D. Modifications to PAD Overlay Standards.** Once development standards are established through the PAD Overlay they may be amended only through the PAD Overlay modification process set forth in Section 6-313.